

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

TRAXXAS, L.P.
Plaintiff,

v.

TRINITY PRODUCTS, INC.
TEAM EPIC INC.
Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. 4:09-cv-00237-RAS

JURY

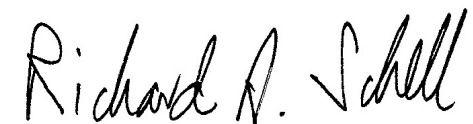
ORDER OF DISMISSAL

NOW BEFORE THE COURT is plaintiff Traxxas, L.P.'s Notice of Dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). In light of that Notice of Dismissal, the Court finds that:

1. The complaint was filed on May 19, 2009 and the First Amended Complaint was filed on November 19, 2009.
2. Both defendants were served with process and the return of service for each defendant was filed on July 13, 2009.
3. Neither defendant has served an answer or served a motion for summary judgment.
4. This case is not a class action; a receiver has not been appointed in this case; and this case is not governed by any federal statute that requires a court order for dismissal of the case.
5. Plaintiff represents that it has not previously dismissed any federal- or state-court suit based on or including the same claims as those presented in this case.

IT IS THEREFORE ORDERED that the subject case is dismissed without prejudice to refiling the same. Each party shall bear its own costs and attorney fees.

SIGNED this the 1st day of February, 2010.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE